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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,047	12/30/2003	Roger Adrien Boutin	5709-168	6747
7590	07/07/2005		EXAMINER REDMAN, JERRY E	
David D. Murray BRINKS HOFER GILSON & LIONE P.O. Box 10395 Chicago, IL 60610			ART UNIT 3634	PAPER NUMBER

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,047	Applicant(s) BOUTIN, ROGER ADRIEN	
	Examiner Jerry Redman	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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The applicant's information disclosure statement dated 7/9/2004 has been considered and a copy has been placed in the file.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Laughman et al. (5,783,312). As shown in Figures 1-3, Laughman et al. (5,783,312) disclose a weatherstrip (14) in combination with a motor vehicle (column 1, line 6) comprising a steel metal carrier (30) having a U-shaped cross-section (sealing flanges 18 and 19) having a first region having a first flexibility (the middle portion as shown in Figure 3) and a second region having a second flexibility (the top or bottom portion as shown in Figure 3), and an elastomeric material (12) disposed about the carrier (30) and including a tubular/hollow sealing feature (16) extending from the weatherstrip (14). Laughman et al. (5,783,312) further disclose the first region having a plurality of apertures (52 and portions of 42 which extend along the same plane) disposed generally centrally along the carrier (30). Laughman et al. (5,783,312) still further disclose the second region having a plurality of slits (54 and/or 56).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Mizuno et al. disclose slits and apertures similar to

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that of the applicant's invention. U.S. patent to King discloses apertures and slits similar to that of the applicant's invention. U.S. patent to Bright discloses a weatherstrip having apertures and slits similar to that of the applicant's invention. U.S. patent to Hayashi disclose apertures and slits in a weatherstrip similar to that of the applicant's invention. U.S. patent to Bright et al. disclose apertures and slits similar to that of the applicant's invention. U.S. patent to Bonds disclose apertures and slits similar to that of the applicant's invention. Great Britain patent to Elvira discloses a weatherstrip similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.


Jerry Redman
Primary Examiner